

In particular, claims 1-12, 21-23 and 25-41 (so-called "linking claims") have not been made part of any Group. In lieu of the linking claims not being electable, at present, the claims will not be canceled in this submission. Applicants respectfully request that the linking claims be made part of an electable group.

According to the Office Action at pg. 3, "the restriction requirement among the linked inventions is subject to the non-allowance of the linking claim(s). Upon the allowance of the linking claim(s), the restriction requirement will be withdrawn...." Respectfully, the position is at odds with the present exclusion of the linking claims from an electable group and should be reconsidered.

Specifically, proper claim examination cannot occur in this case because the linking claims are not electable at present. Applicants are thus being denied an important prosecution right ie., the right to have the Restriction Requirement withdrawn by the USPTO if the linking claims are deemed allowable. See above and the Office Action at 3. The linking claims cannot be found allowable in view of the current Restriction Requirement. Accordingly, reformulation of the Restriction Requirement is requested.

It is believed that examination of the elected claims (methods for treating cystic fibrosis) along with the invention of claims 1-14, 17-23 (methods for disease treatment) would pose no undue burden especially in light of the instant species election. The elected claims and claims 1-14, 17-23 should have an overlapping classification; hence, the search and examination of those claims together should not be unduly burdensome.


The present election is made solely to comply with the Office Action and should not be construed as a surrender of any subject matter in the application. The right to file divisional applications on the non-elected claims and species of the invention is reserved.

An early examination and notice of allowance are earnestly solicited.

Applicants believe that additional fees are not required. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the USPTO is hereby authorized and requested to charge Deposit Account No.

**04-1105.**

Respectfully submitted,



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